

Emergency Rule
LSA Document #11-402(E)

DIGEST

Temporarily adds rules concerning a casino licensee or trustee that is required under [IC 4-33-4-27](#) or [IC 4-35-4-16](#) to withhold cash winnings from a child support obligor who is delinquent in child support. Statutory authority: [IC 4-33-4-2](#); [IC 4-33-8.5-5\(b\)](#); [IC 4-35-4-2](#); [IC 4-35-6.5-13\(b\)](#). Effective July 5, 2011.

SECTION 1. (a) This document applies to casino licensees and trustees.

(b) The definitions in [IC 4-33](#), [IC 4-35](#), and [68 IAC 1-1](#) apply to this document.

(c) As used in this document, "obligor" means a person whose support obligation is enforced by the child support bureau in accordance with [IC 31-25](#).

SECTION 2. (a) The casino licensee or trustee shall submit to the executive director internal control procedures concerning the withholding of cash winnings from delinquent obligors in accordance with [68 IAC 11-1](#).

(b) The internal control procedures for withholding cash winnings from delinquent obligors shall include, without limitation, the following:

(1) The procedure by which the casino licensee or trustee shall distribute information obtained from the bureau under [IC 4-33-4-27](#) or [IC 4-35-4-16](#) to the persons whose job functions require them to participate in the process of withholding cash winnings from delinquent obligors.

(2) The job titles of the persons employed by the casino licensee or trustee who are responsible for receiving and disseminating the information that the casino licensee or trustee receives from the bureau.

(3) The method that the casino licensee or trustee proposes for keeping confidential information from being disseminated improperly.

(4) The manner in which the casino licensee or trustee will inform the obligor of appeal rights under the bureau's rules.

(5) The manner in which the casino licensee or trustee will communicate with the bureau when the casino licensee or trustee has withheld monies under [IC 4-33-4-27](#) or [IC 4-35-4-16](#).

(6) The manner in which the casino licensee or trustee will transmit the withheld funds to the bureau.

(7) The name of the department within the casino licensee's or trustee's organization that will communicate with the bureau.

(8) Alternative measures that the casino licensee or trustee will utilize in case of a malfunction or emergency.

(9) The job titles of the persons employed by the casino licensee or trustee who are responsible for communicating to the bureau the information described in [IC 4-33-4-27\(b\)\(2\)\(B\)](#) or [IC 4-35-4-16\(b\)\(2\)\(B\)](#).

(10) The job titles of the persons employed by the casino licensee or trustee who are responsible for issuing to the obligor the receipt described in [IC 4-33-4-27\(b\)\(2\)\(C\)](#) or [IC 4-35-4-16\(b\)\(2\)\(C\)](#).

(11) The measures the casino licensee or trustee will take to ensure compliance with:

(A) [IC 4-33-4-27](#) or [IC 4-35-4-16](#); and

(B) this document.

(12) Any other information the commission or the executive director deems necessary to ensure compliance with:

(A) [IC 4-33-4-27](#) or [IC 4-35-4-16](#); and

(B) this document.

SECTION 3. (a) The casino licensee or trustee shall prepare and submit quarterly to the commission a summary of cash winnings withheld under [IC 4-33-4-27](#) or [IC 4-35-4-16](#) and this document. The summary shall include, without limitation, the following information:

(1) The date on which the casino licensee or trustee withheld the cash winnings.

(2) The amount of cash withheld for delinquent child support.

(3) The amount of cash retained for an administrative fee in accordance with [IC 4-33-4-27\(b\)\(1\)](#) or [IC 4-35-4-16\(b\)\(1\)](#).

(4) The following information from the obligor:

(A) Full name.

(B) Address.

(C) Last four (4) digits of the obligor's Social Security number.

(D) The child support case identifier for the case to which the bureau will apply the withheld cash winnings.

(5) The name of the person who prepared the summary.

(b) The casino licensee or trustee shall prepare and submit quarterly to the commission an updated list of the names of the casino employees who are authorized to participate in the withholding process.

SECTION 4. Failure to comply with this document or failure to withhold delinquent child support from cash winnings may result in the commission taking disciplinary action under [68 IAC 13](#).

SECTION 5. (a) The executive director or the commission may approve deviations from the provisions of this document if the executive director or commission determines that the:

(1) procedure or requirement is impractical or burdensome; and

(2) alternative means of satisfying the procedure or requirement:

(A) fulfill the purpose of this document;

(B) are in the best interest of the public and the gaming industry; and

(C) do not violate [IC 4-33](#) or [IC 4-35](#).

(b) If a casino licensee or trustee wishes to request a deviation from the provisions of this document, the casino licensee or trustee must do so in writing to the executive director.

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